

AGENDA

Board of Adjustment Regular Meeting Thursday, August 18, 2022

Pursuant to the provisions of Chapter 551 VTCA Government Code, notice is hereby given of a Meeting of the Board of Adjustment to be held Thursday August 18, 2022, at 6:00 P.M. from 105 S. Cockrell Hill Road, Ovilla, Texas, 75154 for the purpose of considering the listed item(s). The Board of Adjustment will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The Board of Adjustment may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda. Private Consultation with Attorney - Section 551.071

Call to Order

◆ Pledge of Allegiance

Consent Items

Minutes of the January 18, 2022, Zoning Board of Adjustment Meeting

The following item(s) may be acted upon in one motion. No separate discussion or action is necessary unless requested by a Board Member, in which event those items will be pulled from the consent agenda for individual consideration.

Individual Consideration

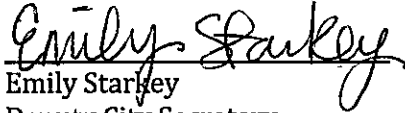
ITEM 1. BOA 22.01 - *Public Hearing and Discussion* of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 FENCES IN RESIDENTIAL DISTRICTS filed by Norma Ferretiz-Diaz for a residential special exception for a fence that is on or beyond the building line on her property at 746 Cockrell Hill Rd., Ovilla, TX 75154.

DISCUSSION/ACTION - Consideration of requested *Special Exception* by Norma Ferretiz-Diaz

ITEM 2. **DISCUSSION/ACTION** - Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

Adjournment

This is to certify that a copy of the Notice of the Ovilla Zoning Board of Adjustment Meeting scheduled for **Thursday August 18, 2022 @ 6:00 P.M.**, was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, Texas, on the 15th day of August 2022, prior to 6:00 p.m.


Emily Starkey
Deputy City Secretary

DATE OF POSTING: 8/15/22 TIME: 12:00 am/pm
DATE TAKEN DOWN: _____ TIME: _____ am/pm

PLEASE SILENCE ALL CELL PHONES, AND OTHER ELECTRONIC EQUIPMENT WHILE THE ZONING BOARD OF ADJUSTMENT MEETING IS IN SESSION.



PURSUANT TO SECTION 30.06, PENAL CODE (TRESPASS BY LICENSE HOLDER WITH A CONCEALED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A CONCEALED HANDGUN.

CONFORME A LA SECCIÓN 30.06 DEL CÓDIGO PENAL (ENTRADA SIN AUTORIZACIÓN POR TITULAR DE LICENCIA CON UNA PISTOLA OCULTA), UNA PERSONA CON LICENCIA BAJO EL SUBCAPÍTULO H, CAPÍTULO 411 DEL CÓDIGO DE GOBIERNO (LEY DE LICENCIAS DE PISTOLAS), NO PUEDE ENTRAR EN ESTA PROPIEDAD CON UNA PISTOLA OCULTA.

PURSUANT TO SECTION 30.07, PENAL CODE (TRESPASS BY LICENSE HOLDER WITH AN OPENLY CARRIED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A HANDGUN THAT IS CARRIED OPENLY.

CONFORME A LA SECCIÓN 30.07 DEL CÓDIGO PENAL (ENTRADA SIN AUTORIZACIÓN POR TITULAR DE LICENCIA CON UNA PISTOLA VISIBLE), UNA PERSONA CON LICENCIA BAJO EL SUBCAPÍTULO H, CAPÍTULO 411 DEL CÓDIGO DE GOBIERNO (LEY DE LICENCIAS DE PISTOLAS), NO PUEDE ENTRAR EN ESTA PROPIEDAD CON UNA PISTOLA VISIBLE.

CITY OF OVILLA MINUTES
Tuesday January 18, 2022
Board of Adjustment Meeting

Vice Chair Steven Miner called a Regular Meeting of the Ovilla Board of Adjustment to order at **7:00 p.m.** and roll was called with the following BOA members announcing their presence, thus constituting a quorum:

Barbara Betik
Bert Holombek
Mike Mohon

PL3 Board Member
PL5 Board Member
PL6 (Alt.) Board Member

Four board members were present constituting a quorum. Code Officer Mike Dooly and Deputy City Secretary were in attendance.

PL1 Carol Richtsmeier and PL4 Stephanie Heimbuch were noted absent.

The Pledge of Allegiance was led at this time.

It was announced that PL2 Miner would serve as Chair for this meeting, and PL3 Barbara Betik would serve as Vice Chair.

CONSENT ITEMS

Minutes of the October 18, 2021 Zoning Board of Adjustment Meeting

PL3 Betik moved that the BOA APPROVE the Minutes of the October 18, 2021, meeting as presented. PL7 Mohon seconded the motion.

Record Vote:

PL2 Miner	<u>AYE</u>
PL3 Betik	<u>AYE</u>
PL5 Holombek	<u>AYE</u>
PL7 Mohon	<u>AYE</u>

VOTE: The motion to APPROVE carried 4-0.

Individual Consideration
Public Hearing

ITEM 1. **BOA21.09 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 FENCES IN RESIDENTIAL DISTRICTS filed by Federico Benitez for a residential special exception for a fence that is on or beyond the building line on his property at 203 Willow Creek, Ovilla, TX 75154.

Chair Miner read aloud the captioned request and opened the Public Hearing at 7:08 p.m. (Testimony that followed was under proper oath, City Representative)

Code Enforcement Officer Mike Dooly opened with the explanation that applicant would like to replace the existing fence with metal fencing materials on his property and with the plans shared with Code Enforcement – it is in compliance.

Chair Carol Richtsmeier, PL1
Steven Miner, PL2
Barbara Betik, PL3
Stephanie Heimbuch PL4

Bert Holombek, PL5
Vacant, Alt PL6
Michael Mohon, Alt-PL7

CITY OF OVILLA MINUTES
Tuesday January 18, 2022
Board of Adjustment Meeting

(Testimony that followed was under proper oath, Applicant)

Mr. Benitez agreed with Code Enforcement Officer Mike Dooly.

(Chair Miner asked if there were any speaking in support)

Mr. Oberg @ 204 Oakwood Lane – stated he was in favor

Ms. Brodt @ 205 Oakwood Lane – stated she was in favor

Ms. Czapla @ 104 Willow Creek Lane – stated she was in favor

Mr Glen Brown @ 205 Willow Creek Lane – stated he was in favor

Marcia Brodt @ 205 Oakwood Lane - via email stating she was in favor

(Chair Miner asked that those speaking in opposition of the request)

None

(Rebuttal or Final Comments)

None

The Public Hearing was closed at 7:19 p.m.

DISCUSSION/ACTION – Consideration of requested **Special Exception** filed by Federico Benitez.

The Findings-of-Fact were read aloud. After further discussion, the Board reviewed the criterion and completed the *Findings-of-Fact* form resulting in a **positive** outcome.

PL3 Betik moved that the BOA APPROVE the request for Federico Benitez on a Special Exception as requested on his property at 203 Willow Creek, as presented.

PL7 Mohon seconded the motion.

Record Vote:

PL2 Miner AYE

PL3 Betik AYE

PL5 Holombek AYE

PL7 Mohon AYE

VOTE: The motion to APPROVE carried 4-0.

ITEM 2. **DISCUSSION/ACTION** – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

None

Adjournment There being no further business, Chair Miner adjourned the meeting at 7:22 p.m.

Vice Chair Steven Miner

ATTEST:

Emily Starkey, Deputy City Secretary

Attachment(s): Findings of Fact (1)

Chair Carol Richtsmeier, PL1

Steven Miner, PL2

Barbara Betik, PL3

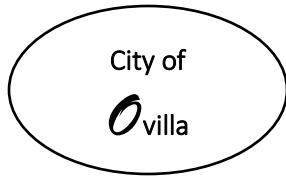
Stephanie Heimbuch PL4

Approved on June 21, 2022

Bert Holombek, PL5

Vacant, Alt PL6

Michael Mohon, Alt-PL7



Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

ITEM: 1

DISCUSSION & ACTION

Regular Meeting Date: August 18, 2022

Attachments:

1. Permit Application
2. Special Exception Application with attachments
3. Findings of Fact

Agenda Item / Topic:

ITEM 1. **BOA22.01 - Public Hearing and Discussion** of an appeal to the Ovilla Code of Ordinances, Chapter 14, Section 35.3 FENCES IN RESIDENTIAL DISTRICTS; filed by Norma Ferretiz-Diaz for a residential special exception for a fence that is on or beyond the building line on her property at 746 Cockrell Hill Rd., Ovilla, TX 75154.

Discussion / Justification:

APPLICANT: Norma – Ferretiz-Diaz
LOCATION: 746 Cockrell Hill Rd
ZONING: RE Residential (1 Ac.)

Applicant's Proposal:

Applicant/owner of said property, requests to place a wood fence outside the building line.

Discussion: **The Ovilla Code of Ordinances, Chapter 14, Section 35.3 FENCES IN RESIDENTIAL DISTRICTS, states:**

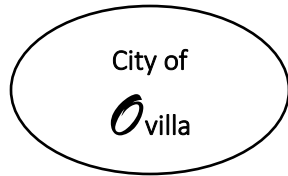
C. Setbacks. No screening element or fence shall be erected, placed or planted beyond the front or side building line of any permitted building in a residential district, either on a corner lot or interior lot.

D. Fences may be constructed to the property line upon approval of a special exception by the Zoning Board of Adjustment. Fencing located on or behind the building line shall not exceed eight feet (8') in height.

BOARD DISCUSSION: The Board is allowed to grant a *Special Exception* under certain circumstances & after review of the *Findings of Fact* form.

NOTICES: One public notice listed in The Ellis County Press and 10 certified letters mailed.

Sample Motion(s):



"I MAKE A MOTION THAT THE BOA GRANTS & APPROVES/DENIES THE SPECIAL EXCEPTION TO NORMA FERRETIZ-DIAZ FOR A FENCE THAT IS ON OR BEYOND THE BUILDING LINE ON HER PROPERTY AT 746 COCKRELL HILL RD., OVILLA, TX 75154.



Residential Building Permit Application

City of Ovilla

105 S. Cockrell Hill Rd., Ovilla, TX 75154
Phone: (972) 617-7262 | Fax: (972) 515-3221

Building Permit # 2022-0149 **Valuation:** \$4,000.00
Zoning: R22 **Valuation w/** \$409,000.00
Land:

Project Address: 746 Cockrell Hill Rd.
Lot: LOT 41 **Block:** **Subdivision:** Fence replacement
THORNTREE
ESTS 1.0

Project Description:

New SFR	Flatwork
Plumbing/Electrical	Accessory Building
Swimming Pool	Sprinkler
SFR Remodel/Addition	Fence Yes
Roof	Mechanical
Other	Specify Other:

Proposed Use: FENCE
Description of Work: REMOVE OLD FENCE THAT RUNS PARALLE TO THORNTREE. REPLACE WITH NEW FENCE SECTION.

Area Square Feet:

Living: **Garage:** **Covered Porch:**
Total: 0.00
of Stories:

Homeowner Details

Name: NORMA FERRETIZ-DIAZ
Address: 746 Cockrell Hill Rd., Ovilla, TX 75134
Phone # [REDACTED] **Email:** [REDACTED]

Applicant Details

Applicant Type: Owner
Name: NORMA FERRETIZ-DIAZ
Address: 746 Cockrell Hill Rd Ovilla, TX 75154
Phone # [REDACTED] **Email:** [REDACTED]

General Contractor Details

License #

Company:

Name:

Phone # Email:

Mechanical Contractor Details

License #

Company:

Name:

Phone # Email:

Electrical Contractor Details

License #

Company:

Name:

Phone # Email:

Plumber/Irrigator Details:

License #

Company:

Name:

Phone # Email:

Applicant's Signature**Office Use Only:**

Approved By :		Date approved:	
City Manager:		Date Approved:	

Plan Review Fee: \$0.00
 Building Permit Fee: \$25.00
 Park Impact Fee: \$0.00
 Capital Recovery Fee: \$0.00
 Fire Meter: \$0.00
 Water Meter Cost: \$0.00
 Water Impact: \$0.00
 Sewer Connection Fee: \$0.00
 Sewer Impact: \$0.00

Total Fees: \$25.00

Issued Date:

Expiry Date:

Issued By:

BV Project #

ALL CONSTRUCTION TO BE ON
PERMITTED PROPERTY ONLY

NOTIFY BUILDING INSPECTOR
WHEN WORK BEGINS

FENCE CONSTRUCTION
 poles and rails on inside
 smooth side facing out-all sides



Building Permit

City of Ovilla

105 S. Cockrell Hill Rd., Ovilla, TX 75154
Phone: (972) 617-7262 | Fax: (972) 515-3221

Permit No. 2022-0149

Location: 746 Cockrell Hill Rd.

Description: REMOVE OLD FENCE THAT RUNS PARALLE TO THORNTREE. REPLACE WITH NEW FENCE SECTION.

Owner: NORMA FERRETIZ-DIAZ

Date Issued:

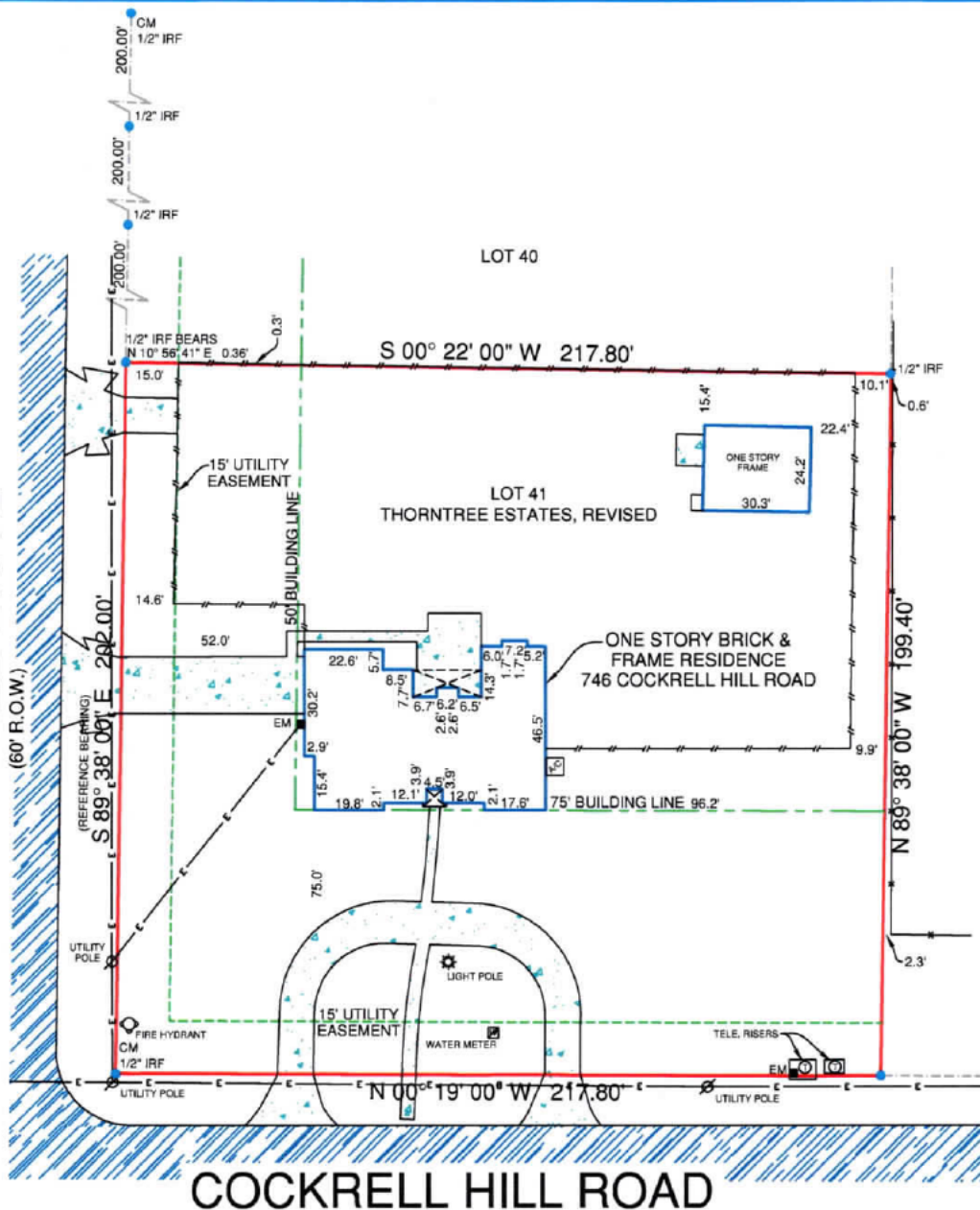
Building Inspector: _____

This Permit To Be Posted In Conspicuous Place On Site

ALL CONSTRUCTION TO BE ON
PERMITTED PROPERTY ONLY

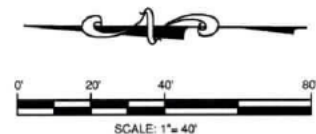
NOTIFY BUILDING INSPECTOR
WHEN WORK BEGINS

FENCE CONSTRUCTION
poles and rails on inside
smooth side facing out-all sides

THORNTREE DRIVE
(60' R.O.W.)

LEGEND:	GM = GAS METER	ASPHALT =
	EM = ELECTRIC METER	CONCRETE =
	WIRE FENCE	GRAVEL =
	CHAIN LINK FENCE	TILE =
	WROUGHT IRON FENCE	WOOD =
	WOOD FENCE	BRICK =
	ELECTRIC LINE	STONE =
	RAILROAD (WOOD) TIE =	
	IRS = IRON ROD SET	
	IRF = IRON ROD FOUND	
	CM = CONTROLLING MONUMENT	

NOTES:
BEARINGS ARE BASED ON THE RECORDED PLAT.
THE PROPERTY IS NOT AFFECTED BY THE FOLLOWING:
(S)-EASEMENT, VOL. 927, PG. 341, R.P.R.E.C.T.
BUILDING LINES AND EASEMENTS ARE BASED ON THE PLAT UNLESS OTHERWISE NOTED.



LEGAL DESCRIPTION:
BEING LOT 41, THORNTREE ESTATES, REVISED, AN ADDITION IN ELLIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN CABINET B, SLIDE 179, PLAT RECORDS OF ELLIS COUNTY, TEXAS.

SURVEYOR'S CERTIFICATION:

THIS IS TO CERTIFY THAT ON THIS DATE A SURVEY WAS MADE ON THE GROUND, UNDER MY SUPERVISION, THAT THE SURVEY REFLECTS A TRUE AND CORRECT REPRESENTATION AS TO THE DIMENSIONS AND CALLS OF PROPERTY LINES, LOCATION AND TYPE OF IMPROVEMENTS. THERE ARE NO VISIBLE AND APPARENT EASEMENTS, ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS, EXCEPT AS SHOWN. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES AND IS FOR THE EXCLUSIVE USE OF THE HEREON NAMED PURCHASER, MORTGAGE COMPANY, AND TITLE COMPANY AND THIS SURVEY IS MADE PURSUANT TO THAT CERTAIN TITLE COMMITMENT UNDER THE GF NUMBER SHOWN HEREON, PROVIDED BY THE TITLE COMPANY NAMED HEREON AND THAT THIS DATE, THE EASEMENTS, RIGHTS-OF-WAY, OR OTHER LOCATABLE MATTERS OF RECORD THAT THE UNDERSIGNED HAS KNOWLEDGE OR HAS BEEN ADVISED ARE AS SHOWN OR NOTED HEREON.

GF. NO.	14-198156-DE
BORROWER	CONSTANCE A. FRANTZ
TECH	RWB
FIELD	CB

FLOOD INFORMATION:

THE SUBJECT PROPERTY DOES NOT APPEAR TO LIE WITHIN THE LIMITS OF A 100-YEAR FLOOD HAZARD ZONE ACCORDING TO THE MAP PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND HAS A ZONE "X" RATING AS SHOWN BY MAP NO. 48136C0050 F, DATED JUNE 3, 2013.

DATE: 11/14/2014 JOB NO.: 14-06147
FIELD DATE: 11/13/2014

746 COCKRELL HILL ROAD, OVILLA, TX 75154
LOT 41, THORNTREE ESTATES, REVISED



DATE: _____
ACCEPTED BY: _____

REGISTERED PROFESSIONAL LAND SURVEYOR



Premier
Surveying LLC

5700 W. Plano Parkway
Suite 2700
Plano, Texas 75093
Office: 972-612-3601
Fax: 972-964-7021



On Tue, Apr 19, 2022 at 8:45 AM Chelsea Ellis <Cellis@cityofovilla.org> wrote:

Good morning Mrs. Ferretiz-Diaz

Please provide a copy of your plot plan or survey indicating where the fence replacement is located & a drawing or picture of the fence.

Also, you did not list a contractor, they will need to be registered with the city if they are not already. They can register online @ cityofovilla.org or down at city hall. I have also attached that form if you wish to pass it along to your contractor.

Thank you,

Chelsea

From: admin@govpilot.com <admin@govpilot.com>

Sent: Monday, April 18, 2022 4:44 PM

To: Jessica Foresman <Foresman@cityofovilla.org>; Cathy Gaeta <CGaeta@cityofovilla.org>; Chelsea Ellis

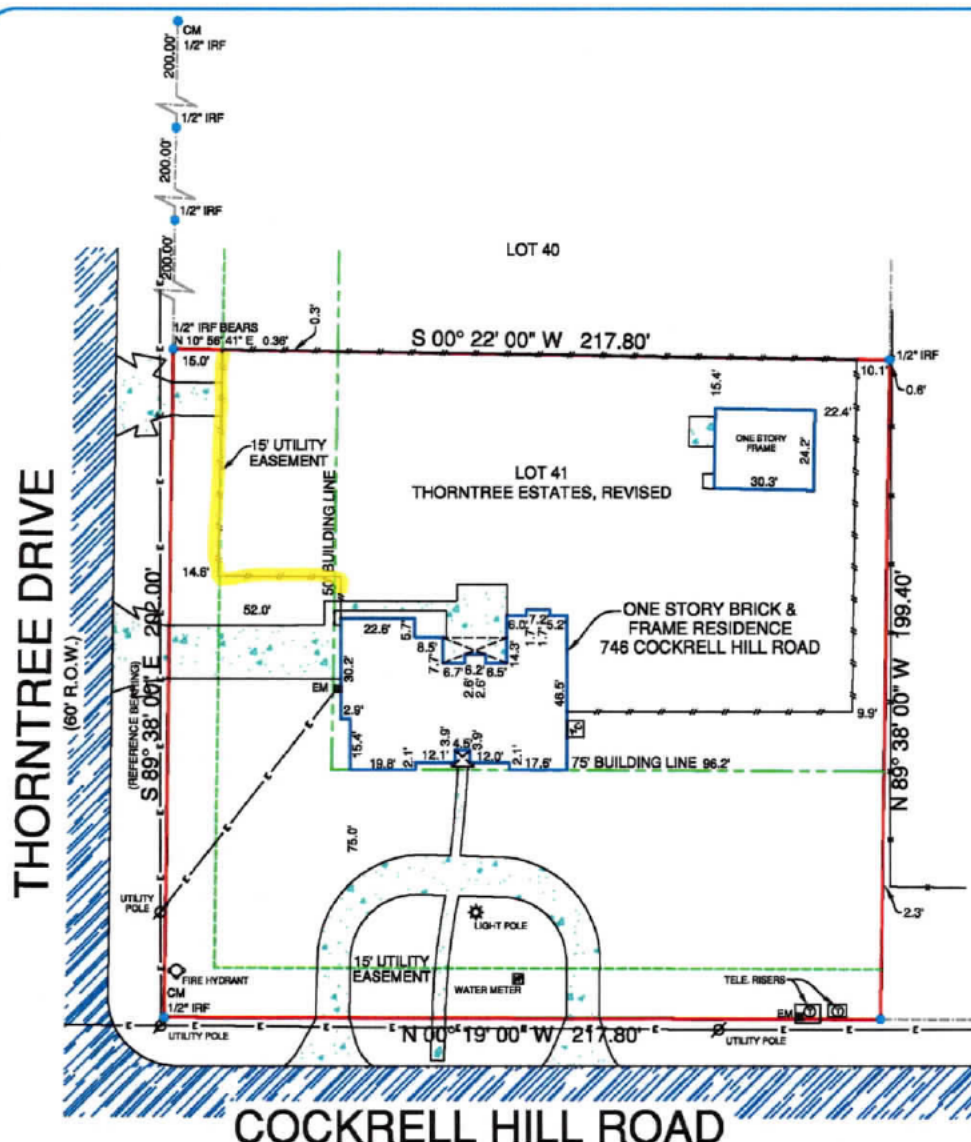
Chelsea Ellis

From: Elena Diaz [REDACTED]
Sent: Tuesday, April 19, 2022 9:15 AM
To: Chelsea Ellis
Subject: Re: PERMIT# 2022-0149 746 COCKRELL HILL RD
Attachments: 746-COCKRELL-HILL-ROAD-survey-r1.pdf; Fence - 746-COCKRELL-HILL-ROAD-survey.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

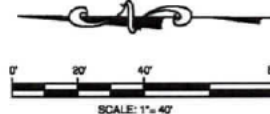
Good morning,

Attached please find a clean survey and a "Fence" survey where I have highlighted in yellow the portion of the fence we need to replace. I have also attached pictures of the portion of the fence needing to be replaced. We are not hiring a contractor to replace the fence. My husband, Navor Diaz, will be doing the work himself with the help of his brother. Is he required to register in order to replace the fence even though he is not a contractor?



LEGEND:		
BM - GAS METER		ASPHALT =
EM - ELECTRIC METER		CONCRETE =
WIRE FENCE	=====	GRAVEL =
CHAIN LINK FENCE	=====	TILE =
WROUGHT IRON FENCE	=====	WOOD =
WOOD FENCE	=====	BRICK =
ELECTRIC LINE	=====	STONE =
RAILROAD (WOOD TIE) =	=====	
IRS - IRON ROD SET		
RF - IRON ROD FOUND		
CM - CONTROLLING MONUMENT		

NOTES:
BEARINGS ARE BASED ON THE RECORDED PLAT.
THE PROPERTY IS NOT AFFECTED BY THE FOLLOWING:
(S) EASEMENT, VOL. 927, PG. 341, R.P.R.E.G.T.
BUILDING LINES AND EASEMENTS ARE BASED ON THE PLAT UNLESS OTHERWISE NOTED.



LEGAL DESCRIPTION:
BEING LOT 41, THORNTREE ESTATES, REVISED, AN ADDITION IN ELLIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN CABINET 8, SLIDE 178, PLAT RECORDS OF ELLIS COUNTY, TEXAS.

SURVEYOR'S CERTIFICATION:
THIS IS TO CERTIFY THAT ON THIS DATE A SURVEY WAS MADE ON THE GROUND, UNDER MY SUPERVISION, THAT THE SURVEY REFLECTS A TRUE AND CORRECT REPRESENTATION AS TO THE DIMENSIONS AND CALLS OF PROPERTY LINES; LOCATION AND TYPE OF IMPROVEMENTS. THERE ARE NO VISIBLE AND APPARENT EASEMENTS, ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS, EXCEPT AS SHOWN. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES AND IS FOR THE EXCLUSIVE USE OF THE HEREIN NAMED PURCHASER, MORTGAGE COMPANY, AND TITLE COMPANY AND THIS SURVEY IS MADE PURSUANT TO THAT CERTAIN TITLE COMMITMENT UNDER THE G# NUMBER SHOWN HEREON, PROVIDED BY THE TITLE COMPANY NAMED HEREON AND THAT THIS DATE, THE EASEMENTS, RIGHTS-OF-WAY, OR OTHER LOCATABLE MATTERS OF RECORD THAT THE UNDERSIGNED HAS KNOWLEDGE OR HAS BEEN ADVISED ARE AS SHOWN OR NOTED HEREON.

GF. NO. 14-198158-DE
BORROWER CONSTANCE A. FRANTZ
TECH RWB
FIELD CB

FLOOD INFORMATION:
THE SUBJECT PROPERTY DOES NOT APPEAR TO LIE WITHIN THE LIMITS OF A 100-YEAR FLOOD HAZARD ZONE ACCORDING TO THE MAP PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND HAS A ZONE "X" RATING AS SHOWN BY MAP NO. 48158C0550 F, DATED JUNE 9, 2013.

DATE: 11/14/2014 JOB NO.: 14-08147
FIELD DATE: 11/13/2014

748 COCKRELL HILL ROAD, OVILLA, TX 75154
LOT 41, THORNTREE ESTATES, REVISED



DATE: _____
ACCEPTED BY: _____

REGISTERED PROFESSIONAL LAND SURVEYOR



Premier
Surveying, LLC
5700 W. Plano Parkway
Suite 2700
Plano, Texas 75093
Office: 972-612-3601
Fax: 972-964-7021



Residential Fence Permit Checklist

DATE 4-21-22OWNER DiazADDRESS 746 Cockrell Hill

- | | | |
|------------------------------------|------------------------------------------|------------------------------------------------------------------------------|
| 1. Permit Signed by property owner | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Plot plan with survey stamp | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Pickets facing out noted | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. Height <u>8 ft max</u> | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 5. Utility easements noted | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 6. Right of Way | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 7. Building Line noted | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 8. Cross section image | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 9. Break away panel access | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 10. Fence Material | <input checked="" type="checkbox"/> Wood | <input type="checkbox"/> Metal <input type="checkbox"/> Other <u>poles ?</u> |

Board of Adjustment Variance Required ☒ Yes ☐ NoApproved ☒ Denied Reason Location

DATE _____

NAME _____

Chapter 14
35.3
C. setback - No screening element
OR Fence shall be erected, placed
or planted beyond the front or side
Building Line of any permitted
structure in a Residential District
either on a corner lot or interior lot.

35.3 FENCES IN RESIDENTIAL DISTRICTS

A. Maximum Height. Screening elements and fences shall be restricted to a maximum height of eight feet (8'), measured from the adjacent grade line, except as otherwise permitted in this section. Fences may be permitted to be constructed to a height exceeding eight feet (8') by special exception as approved by the Zoning Board of Adjustment.

B. Trash Storage Areas. Garbage, refuse and trash collection and storage areas in any multifamily development, mobile home development or other nonresidential use permitted in a residential district shall be fully enclosed on three sides by a dense screening element to adequately screen such area from view of the surrounding area.

C. Setbacks. No screening element or fence shall be erected, placed or planted beyond the front or side building line of any permitted building in a residential district, either on a corner lot or interior lot.

D. Support and Rails.

1. Fences may be constructed to the property line upon approval of a special exception by the Zoning Board of Adjustment. Fencing located on or behind the building line shall not exceed eight feet (8') in height.

2. Panel fences shall be constructed such that the support rails are located on the inside of the lot and the panel is located on the outside of the lot, so as to present a "smooth side out" appearance to the fence.

(Ordinance 2010.015 adopted 8/9/10)

INSTRUCTIONS FOR COMPLETING THE REQUEST FOR A **SPECIAL EXCEPTION**



TO THE OVILLA BOARD OF ADJUSTMENT

ORDINANCE 2010.023

This instruction page is provided for your information and aid in filling out this **SPECIAL EXCEPTION** request. It is not to be considered legal advice. City employees are not permitted to give legal advice in this matter.

Evidence of each of the following three conditions must be found to exist by the Board of Adjustment in order for a **SPECIAL EXCEPTION** request to be granted. They are:

1. That the use is specifically permitted under the ordinance and the requirements for such use are met; and
2. That the locations of proposed activities and improvements are clearly defined on the site plan filed by the applicant; and
3. That the **SPECIAL EXCEPTION** will be wholly compatible with the used and permitted development of adjacent properties.

Condition 1 requires that if the special exception is granted, it may not be against the public interest. "Public Interest" for **SPECIAL EXCEPTIONS** is defined as the well-being of the general public, with specific attention on those members of the public that could be directly affected by the proposed special exception.

Condition 2 requires that the enforcement of a zoning regulation causes an "unnecessary hardship." The hardship must be caused by the property itself, for reasons such as narrowness, shallowness, shape, topography or other physical conditions related to the property. The hardship must not be caused by the applicant, cannot be personal in nature, cannot be financial only, and must relate to the very property for which the **SPECIAL EXCEPTION** is sought.

Condition 3 requires that if the Board of Adjustment grants the **SPECIAL EXCEPTION** as requested, it will not grant a privilege in conflict with other provisions of the ordinance.

The burden of showing these three conditions is on the applicant/owner. You will be expected at the Board of Adjustment hearing to submit evidence providing the conditions stated exist. Evidence can be presented by testimony and/or through documentation. (All photos, documents, etc submitted will become part of the permanent file of the City of Ovilla.)

All three conditions are required to be met in order for the board of adjustments to grant your special exception. Failure to state how your **SPECIAL EXCEPTION** request meets these conditions in your application will result in its return without being submitted to the Board of Adjustment.

DATE: 5/16/2022

Case No. BOA 22-01

REQUEST FOR A SPECIAL EXECPTION

To the

OVILLA BOARD OF ADJUSTMENT

CITY OF OVILLA

§

COUNTY OF ELLIS

STATE OF TEXAS

§

TO THE HONORABLE BOARD OF ADJUSTMENT

Property description (Attach field notes if necessary):

Lot No. 41

Property Address 746 Cockrell Hill Rd

Block No. _____

Ovilla, TX 75154

Property Zoned R22 (Residential 22,000 sq Ft)

OWNER OF PROPERTY Norma Ferretiz-Diaz

APPLICANT Norma Ferretiz-Diaz

SPECIAL EXCEPTION Fence replacement



Case No. BOA 22.01

The Applicant/Owner, Norma Ferretiz-Diaz, of Ellis County, requests that the Ovilla Board of Adjustment grant the following **SPECIAL EXCEPTION** to Article _____, Chapter 3, Section 05 of the Ovilla Zoning Ordinance. Please state in detail what type of **SPECIAL EXCEPTION** you are seeking, attach additional sheets if necessary.

We ask the Board to grant an exception to the Fence line placement of the replacement Fence. We purchased this hom on March 1, 2022. We were provided a land survey and we followed the survey when replacing our damaged fence. We applied for a permit to replace the fence and felt rushed to get it done for the safety of our four daughters and three dogs. Because we were not making any alterations, we did not foresee there being any issue with obtaining a permit. ~~It~~

Has a previous appeal been filed on this property?

YES ☒ NO

If YES, when was the previous appeal filed? _____



Case No. BOA 22-01

CONDITIONS NECESSARY FOR GRANTING A SPECIAL EXECPTION

Please state in detail how the conditions necessary for the granting of a SPECIAL EXCEPTION have been met in this case. Attach additional sheets if necessary.

CONDITION 1: Requires that the use is specifically permitted under the ordinance and the requirements for such use are met; and Fence was placed in the exact same spot where the damaged fence was previously. We purchased the home with the fence in that location and have the original survey showing where the fence was originally as of 11/14/2014.

CONDITION 2: Requires that the locations of proposed activities and improvements are clearly defined on the site plan filed by the applicant; and

The fence is in the spot designated by the land survey,

CONDITION 3: Requires that the SPECIAL EXCEPTION will be wholly compatible with the used and permitted development of adjacent properties.

The fence is in the same location as it was ~~from~~ from 2014. The fence is not obstructing or interfering with any adjacent properties or structures

All three conditions are required to be met in order for the Board of Adjustment to grant your SPECIAL EXCEPTION. Failure to state how your SPECIAL EXCEPTION request meets these conditions in your application will result in its return without being submitted to the Board of Adjustment.



Case No. BOA 22.01

I have completed the following requirements:

1. Paid the filing fee of \$200.00 (checks made payable to "City of Ovilla")
2. Submitted a scaled plot plan
3. Completed all sections of the application

I authorize _____ of _____
(Applicant's agent) (Address)

_____ to represent me in this **SPECIAL EXCEPTION** request before the Board of
Adjustment.
(Telephone)

Respectfully submitted:

Applicant/Owner Name Norma Ferretiz-Diaz

Mailing Address 746 Cockrell Hill Dr.
Ovilla, TX 75154

Telephone (Hm) [REDACTED]

Telephone (Wk) _____

Email [REDACTED]

Applicant's signature [REDACTED]

Date 5-16-2022

NO APPLICATION MAY BE ACCEPTED BY MAIL, MESSENGER, OR FAX.

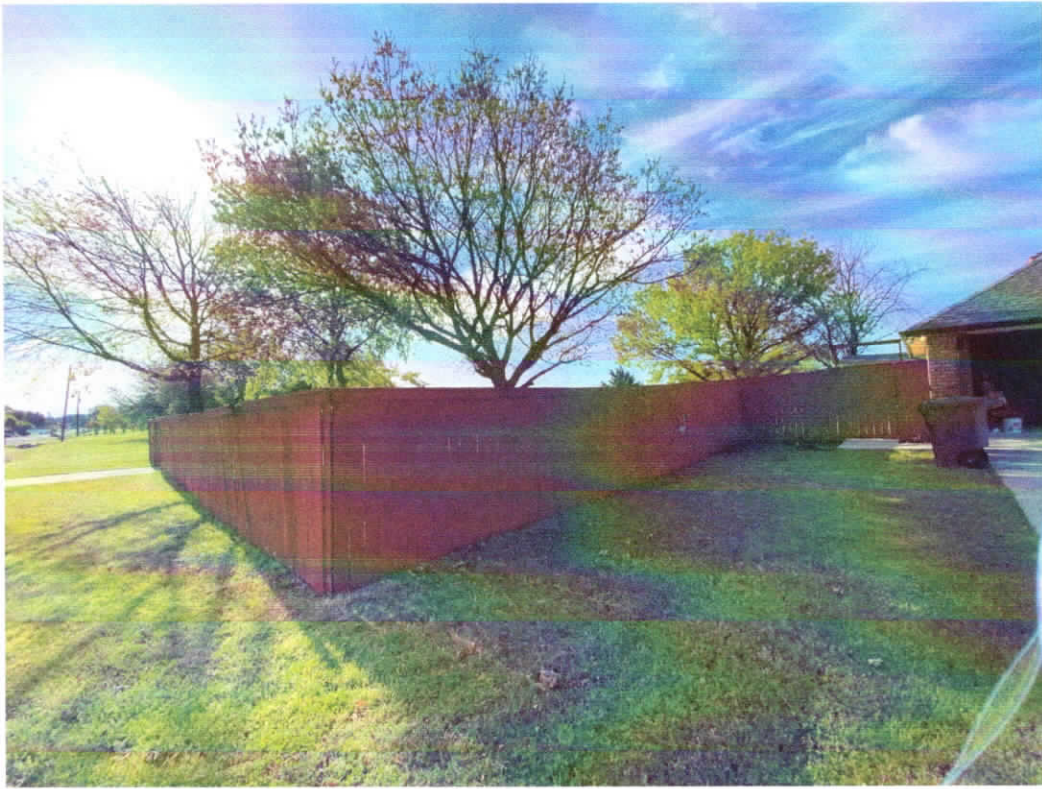
APPLICATIONS CAN ONLY BE ACCEPTED IN PERSON

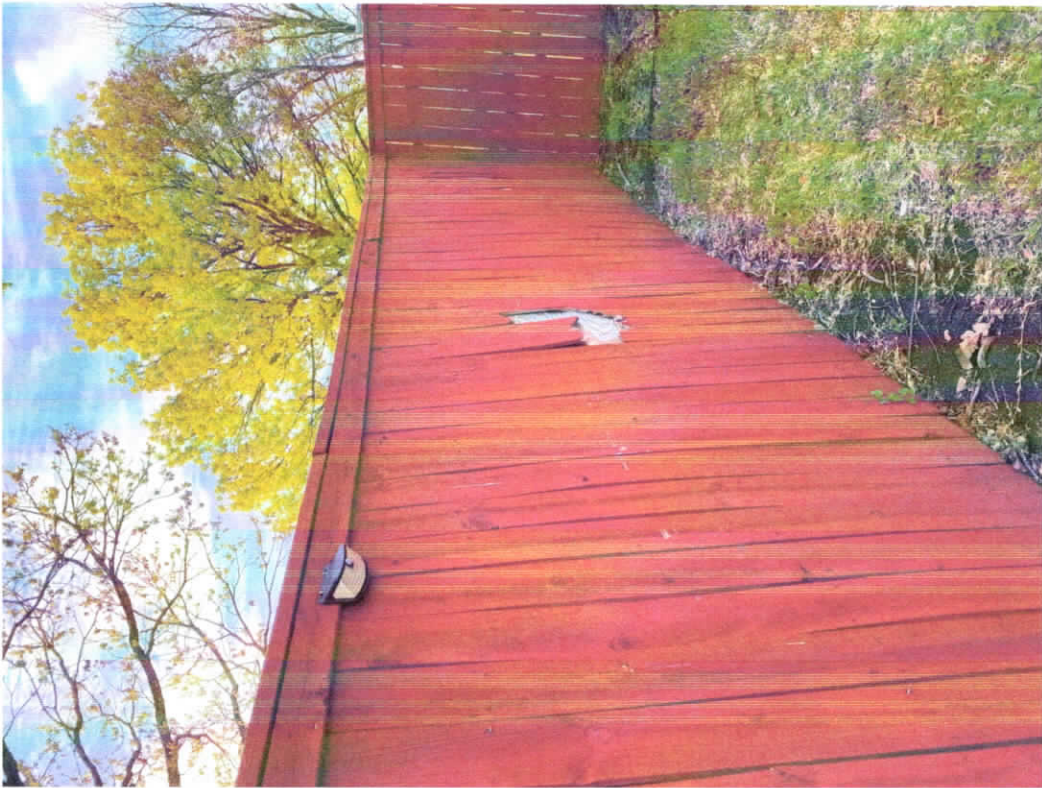
OFFICE USE ONLY

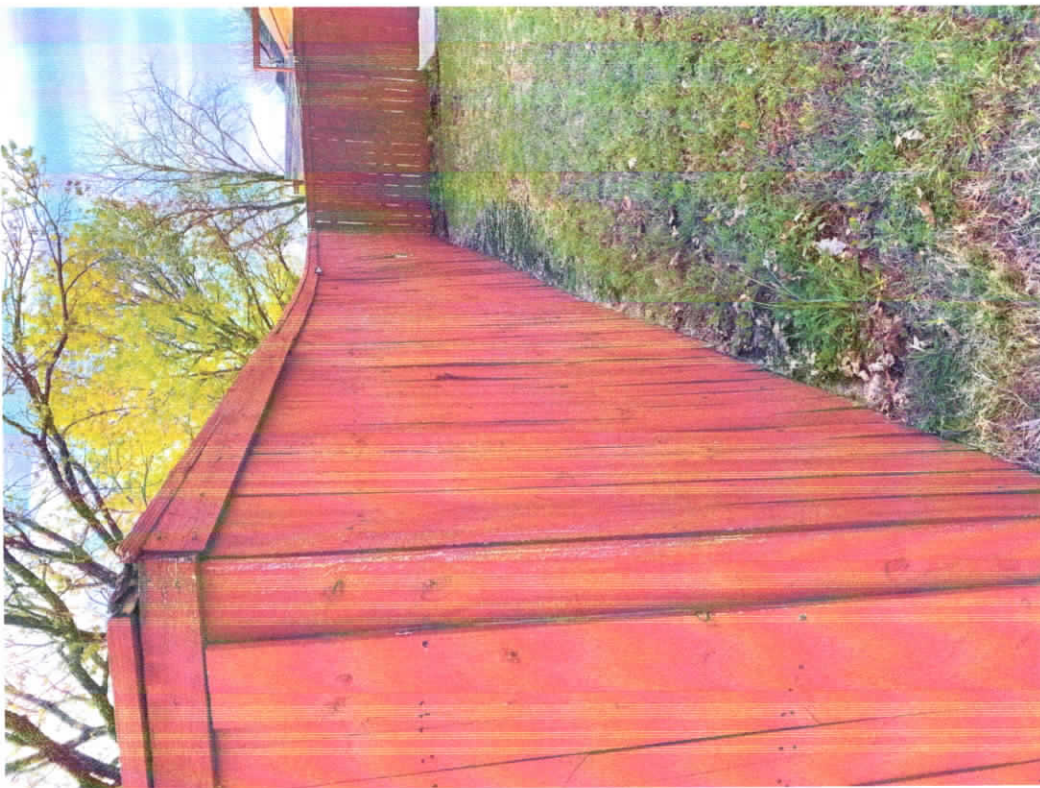
DATE RECEIVED: 5/17/22 HEARING DATE: 6/21/22

APPROVED: _____ DENIED: _____

BOA CHAIRMAN SIGNATURE: _____













Cathy Gaeta

From: Elena Diaz [REDACTED]
Sent: Tuesday, May 17, 2022 4:11 PM
To: Cathy Gaeta
Subject: Re: Permit Information - 746 Cockrell Hill Rd

The fence is 6 feet high, the same height as the damaged fence that was replaced.

On Tue, May 17, 2022 at 3:34 PM Cathy Gaeta <CGaeta@cityofovilla.org> wrote:

Ms. Diaz,

Please reply to this email with the height of the fence.

Thank you,

Cathy

Cathy Gaeta

Planning/Administrative Secretary

Office: 972-617-7262

Fax: 972-515-3221

cgaeta@cityofovilla.org

*"If you don't have a plan for where you are going, you may end up somewhere else." -
Attributed to Casey Stengel*

****ATTENTION TO PUBLIC OFFICIALS AND OFFICIALS WITH OTHER INSTITUTIONS SUBJECT TO THE OPEN MEETINGS ACT .**

A "REPLY TO ALL" OF THIS EMAIL COULD LEAD TO VIOLATIONS OF THE TEXAS OPEN MEETINGS ACT. PLEASE REPLY ONLY TO SENDER.



**City of OVILLA Board of Adjustment
Findings of Fact for SPECIAL EXCEPTION**

Applicant: NORMA FERRETIZ-DIAZ
Address: 746 Cockrell Hill Rd., Ovilla, TX 75154

Case Number: BOA 22.01

Upon giving public notice and conducting a public hearing on this ***SPECIAL EXCEPTION*** request in accordance with Chapter 14, Section 35.3 FENCES IN RESIDENTIAL DISTRICTS of the Zoning Ordinance, the Board of Adjustment adopts these specific, written findings as follows:

	YES	NO
1. That the use is specifically permitted under the ordinance and the requirements for such use are met; and		
2. That the location of proposed activities and improvements are clearly defined on the site plan filed by the applicant(s); and		
3. That the exception, if granted, will be wholly compatible with the use and permitted development of adjacent properties.		

BOA Members present, and upon a record vote of:

FOR AGAINST ABSTAIN

RICHARD DORMIER, MAYOR			
KIMBERLY CASE			
DEAN OBERG			
DAVID GRIFFIN			
DOUG HUNT			
BRAD PILAND			

TOTALS:

_____ **FOR**
_____ **AGAINST**
_____ **ABSTAIN**

The special exception is hereby:

_____ **granted** _____ **denied**

Presiding Officer of BOA

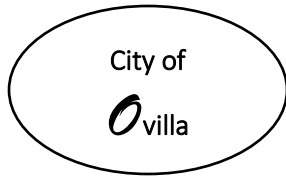
DATE

Attest:

Deputy City Secretary

DATE

SPECIAL EXCEPTION BASED ON MUNICIPAL LAW AND PROCEDURE MANUAL



Ovilla Zoning Board of Adjustment

AGENDA ITEM REPORT

ITEM: 2

DISCUSSION & ACTION

Regular Meeting Date: August 18, 2022

Attachments:
None
Agenda Item / Topic:
ITEM 2. DISCUSSION/ACTION – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.
Discussion / Justification:
N/A
Sample Motion(s):
N/A